

1 THE HONORABLE BARBARA J. ROTHSTEIN  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE  
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12 WADE K. MARLER, DDS, *et al.*,  
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14 NO. 2:20-cv-00616-BJR  
15

16 Plaintiffs,  
17

18 v.  
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20 ASPEN AMERICAN INSURANCE  
21 COMPANY,  
22

23 Defendant.  
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25 KARA MCCULLOCH DMD MSD PLLC, *et*  
26 *al.*,

27 NO. 2:20-cv-00809-BJR  
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29 Plaintiffs,  
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31 v.  
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33 VALLEY FORGE INSURANCE  
34 COMPANY, *et al.*,  
35

36 Defendants.  
37

38 CABALLERO,  
39

40 NO. 2: 20-cv-05437-BJR  
41

42 Plaintiff,  
43

44 v.  
45

46 MASSACHUSETTS BAY INSURANCE  
47 COMPANY,  
48

49 Defendant.  
50

51 STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
52 CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
53 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
54 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 1

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1 CHORAK, *et al.*,

NO. 2:20-CV-00627-BJR

2 Plaintiffs,

3 v.

4 HARTFORD CASUALTY INSURANCE  
5 COMPANY, *et al.*,

6 Defendants.

7  
8 PACIFIC ENDODONTICS, P.C., *et al.*,

NO. 2:20-CV-00620-BJR

9 Plaintiffs,

10 v.

11 OHIO CASUALTY INSURANCE  
12 COMPANY, *et al.*,

13 Defendants.

14  
15 NGUYEN, *et al.*,

NO. 2:20-cv-00597-BJR

16 Plaintiffs,

17 v.

18 TRAVELERS CASUALTY INSURANCE  
19 COMPANY OF AMERICA, *et al.*,

Defendants.

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26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
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1 LA COCINA DE OAXACA LLC,

2 Plaintiff,

3 v.

4 TRI-STATE INSURANCE COMPANY OF  
5 MINNESOTA,

6 Defendant.

NO. 2:20-CV-01176-BJR

8 MARK GERMACK DDS,

9 Plaintiff,

10 v.

11 THE DENTISTS INSURANCE COMPANY,

12 Defendant.

NO. 2:20-CV-0661-BJR

14  
15 **STIPULATION**

16 **Whereas,**

17 1. From April through November of 2020, the plaintiffs in the above-captioned cases  
18 filed original complaints for business interruption insurance coverage in this district. Certain of  
19 these actions were stayed for periods of time pending review of the actions by the Judicial Panel  
20 on Multidistrict Litigation (JPML) for potential consolidation and transfer.

21 2. After the JPML denied consolidation, the Court by order dated November 10,  
22 2020, consolidated cases in this district by insurer family, and stayed discovery in each of the  
23 consolidated cases until such time as the Court rules on dispositive motions.

25  
26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
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2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 3

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1           3. On November 24, 2020, the Court granted the parties' Stipulated Motions for  
 2 Amended Complaints and Briefing of Dispositive Motions and ordered amended complaints in  
 3 the consolidated actions be filed no later than November 25, and that the briefing of dispositive  
 4 motions in each of the consolidated cases be completed by March 5, 2021.

5           4. Under Local Rule 23(i)(3), there is a deadline to file a motion for class  
 6 certification within 180 days of filing a complaint.

7           **Now, therefore**, in light of the Court's orders, including the current discovery stay until  
 8 the Court rules on dispositive motions, counsel for the parties agree that good cause exists to  
 9 continue the date upon which the Plaintiffs shall file their motions for class certification pursuant  
 10 to Local Civil Rule 23(i)(3).

11           The parties stipulate and request that a comprehensive case schedule, including deadlines  
 12 for fact and expert discovery and (for class action cases) the filing of a motion for class  
 13 certification, be set by the Court, if necessary, after the Court rules on the dispositive motions.

14           **ORDER**

15           Having reviewed the parties' stipulation, and finding that good cause exists for the  
 16 requested relief from LCR 23(i)(3), the Court will, if necessary, issue a case schedule setting  
 17 deadlines for fact and expert discovery and for Plaintiffs (in the class action cases) to file their  
 18 motions for class certification in the above-referenced actions after the Court rules on the  
 19 dispositive motions, which are scheduled to be fully briefed and filed no later than March 5,  
 20 2021, pursuant to the Court's November 24, 2020 Scheduling Order entered in the actions.

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 24           DATED this 7th day of January, 2021.

25  
 26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
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 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
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Barbara J. Rothstein  
UNITED STATES DISTRICT JUDGE

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35 CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
36 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
37 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 8

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26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
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76 STIPULATION AND ORDER REGARDING MOTION FOR CLASS  
77 CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-  
78 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;  
79 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 11

79           **KELLER ROHRBACK L.L.P.**

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